

NORTH OGDEN CITY COUNCIL MEETING MINUTES

October 14, 2014

The North Ogden City Council convened in an open meeting on October 14, 2014 at 6:30 p.m. in the North Ogden City Council Chambers at 505 East 2600 North. Notice of time, place and agenda of the meeting was delivered to each member of the City Council, posted on the bulletin board at the municipal office and posted to the Utah State Website on October 10, 2014. Notice of the annual meeting schedule was published in the Standard-Examiner on January 24, 2014.

PRESENT:	Brent Taylor	Mayor
	Kent Bailey	Council Member
	Lynn Satterthwaite	Council Member
	Cheryl Stoker	Council Member
	Phillip Swanson	Council Member
	James Urry	Council Member

STAFF PRESENT:	Bryan Steele	Acting City Manager
	Jon Call	City Attorney
	Kevin Warren	Police Chief
	Brandon Miles	City Prosecutor
	Clark Crowther	Lieutenant
	Gary Kerr	Building Official
	Craig Giles	Public Works Director
	Nicole Smedley	Deputy City Recorder

VISITORS:	Brock Mott	Kirk Mott
	Kurt Illum	Blake Welling
	Diane Little	Brent Little
	Sorin Teles	Lynnda Wangsgard
	Rick Scadden	Bob Buswell
	Thomas Brennan	Don Mathewson
	Dan Green	Rachel Trotter

Mayor Taylor welcomed those in attendance.

Council Member Satterthwaite offered the invocation and led the audience in the Pledge of Allegiance.

CONSENT AGENDA

1. Consideration to approve the September 16, 2014 City Council Minutes
2. Consideration to approve the September 23, 2014 City Council Minutes

Council Member Bailey motioned to approve the Consent Agenda. Council Member Satterthwaite seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

ACTIVE AGENDA

1. PUBLIC COMMENTS

Sorin Teles, 156 E. 2050 N., thanked the Council, Mayor, and staff for their service to the community. He stated he has argued different points in the past regarding his feelings that the City's daytime curfew ordinance is not constitutional and is not necessary. He stated he read the new version of the ordinance located on the City's website and he does not feel it solves the problems that he raised before; the explanation of the ordinance provided by the Police Chief does not fully address the questions asked by and of the City Council. He stated there is a Utah law that already provides a framework for addressing truancy and places responsibility with the local school district; the law also includes more safeguards than included in the ordinance and passing the ordinance would be shifting the responsibility from the school district to the City, which is inappropriate because the City is not as equipped to deal with truancy issues as the school district is. He noted if the school needs help from the City they can request help and at that point the City would have probable cause to approach a student. He stated under the ordinance as it is proposed, the police department can approach any person on a public street at the wrong hour just because they look young; he does not think anyone wants to live in a country where this type of thing is allowed. He stated he and the elected leaders of the City have taken an oath to protect the constitution and the ordinance goes against the constitution the way he understands it by eliminating the freedom of an individual just because they may be young looking; it also teaches the kids the wrong lesson that they are treated as a criminal until proven innocent. He added the ordinance may create additional costs for the City and he does not see truancy being a rampant problem and he does not feel the ordinance is necessary. He reiterated the City should use the laws that are already on the books to address the issue.

Diane Little, 3463 N. 350 E., addressed beekeeping and chicken pens. She stated she lives in Lakeview Heights and there have been some situations where people have been given permission to keep bees and chickens on their property and those situations have proven to be quite costly for other residents. She stated anything considered a farm animal is illegal in Lakeview Heights according to the covenants, conditions, and restrictions (CCRs) recorded for the subdivision. She asked that the City not give any residents of the subdivision permission to keep bees or chickens on their property.

Kurt Illum, 805 E. 3300 N., offered his opinion regarding the daytime curfew ordinance; he shares the same opinion as Mr. Teles and he feels the proposed ordinance is an erosion of

liberties and it is a slippery slope. He stated the law is not good for the City and the issue is already addressed by State law. He stated that if the goal is to prevent illegal activities during daytime hours, a truancy law is not the way to accomplish that goal. He suggested the police department use other means to address delinquent activities. He stated the ordinance is more strict than State law in that it removes the reference to habitual truant, which is defined as someone that has been truant five or more times; under the City's ordinance a child with one truancy can be cited and referred to court. He reiterated that the State code gives responsibility for addressing truancy issues with the school district and he does not think the City should get involved in that. He added that according to State law, a child that is 16 or older and has a 3.5 grade point average or a child under the age of 12 cannot be issued a habitual truant citation; that section of the law is new and is not included in North Ogden's proposed ordinance. He concluded he does not believe the City should adopt the ordinance and truanancies should be dealt with by school counselors rather than the police department.

2. DISCUSSION AND/OR ACTION TO APPROVE CHANGE ORDERS FOR THE NEW PUBLIC WORKS FACILITY; TYPE OF BLOCK; SPECIAL INSPECTIONS; GREEN HOUSE; DEMOLITION OF THE HOUSE ON THE SOUTHWEST CORNER AND DETENTION BASIN

A staff memo from Acting City Manager Steele provided a summary of the proposed change orders for the Public Works Building project:

- 1) Special Inspections – Inspections for Soils, Asphalt, Concrete, Masonry/Grout and Structural Steel - \$18,659
- 2) Demolition of the house on the southwest corner of the property - \$2,595
- 3) Changing some of the block on the Shop Building to Split Faced - \$4,668
- 4) Adding conduit for water and power for future Greenhouse - \$15,620
- 5) Upsizing of detention basin – no total estimated amount as of 10/10/14. We hope to have that amount for Tuesday's meeting. However, if we have to mitigate the potential wetlands on the south end of the property, the cost for the wetland analysis and paperwork filing is \$15,000 - \$20,000.

When the budget for the project was approved it included a five percent City contingency included, which amounted to \$147,952. The total of the change orders above, less the detention basin, is \$41,542.

Mayor Taylor provided a brief presentation informing the City Council and the public present of the status of the project, noting the project is ahead of schedule and within budget.

Mr. Steele then reviewed his staff memo regarding the proposed change orders. Various staff members provided a brief justification for each proposed change order.

There was a brief Council discussion regarding the change order relating to special inspections for the project, with Building Official Kerr noting that it is not possible for him to provide an exact amount for the inspection costs, but he anticipates that the actual cost will be less than the \$18,659 included in the staff report. Council Member Urry stated he would like for the Council

to receive a report regarding the actual inspection costs that the City will be charged and information regarding the inspections that the contractor completed. Mayor Taylor stated he will keep the Council apprised of that information.

The Council continued discussion of the remaining change orders referenced in the staff report. Council Member Bailey stated he thought that item two relating to demolition was included in the bid. Public Works Director Giles stated the cost is not included in the contract. City Attorney Call stated he will compare the contract to the bid documents and determine if an oversight has been made.

The Council discussed item four relative to conduit to serve a future greenhouse on the site, with Mayor Taylor stating he has toured public works facilities in other cities and found Layton and Bountiful have greenhouses; he liked the idea of building a greenhouse on the City's site in the future and he requested a cost to facilitate that future construction. He reviewed a newspaper article about Layton City's greenhouse regarding the city's ability to raise 50,000 flowers each year to be used for beautification purposes at city property; this saves a significant amount of money that would have otherwise been spent to purchase flowers in the private market. He added volunteers could be used to assist in constructing the facility. He clarified that the cost included in this change order is only for installation of conduit to accommodate future utility infrastructure for a greenhouse; the work needs to be completed prior to the asphalt being laid at the site. Mr. Giles reviewed the site plan for the property and identified the potential location for a future greenhouse and illustrated the manner in which the conduit would be laid on the site. Council Member Bailey stated the amount does not seem reasonable to him and he asked for additional information before approving that portion of the change order request. Council Member Urry agreed and stated he is somewhat concerned about how a greenhouse could further limit the accessibility at the public works facility site. He added he is hesitant to get into business doing something that is provided by the private sector. Mayor Taylor stated he will work with Lundahl to get the additional information requested by the Council.

The Council discussed item five related to upsizing of the detention basin on the site. Mayor Taylor stated this item is time sensitive, but the City does not have sufficient information regarding wetlands in the area to make a decision regarding the potential basin size. There was a general discussion regarding use of the property in relation to another detention basin on 2600 North that was proposed to be used for a dog park, with Council Member Urry stating he wants to prioritize the selection of a location for a dog park since dog owners have been charged a \$5.00 fee on their dog license to fund the park. Mayor Taylor stated it will be possible to determine the appropriate location for a dog park throughout the coming winter months.

Mr. Call then revisited the portion of the change order for the demolition of the house on the southwest corner of the property for a cost of \$2,595 and indicated that amount was not included in the contract; it may have been included in the base bid provided by Lundahl but the Council may not have selected that portion of the work for inclusion in the contract.

Mayor Taylor then asked Mr. Steele for a total dollar amount for the three change orders the Council has indicated they are comfortable with proceeding with this evening; he noted the

amount will be taken from the contingency fund for the project. Mr. Steele stated the total amount is \$25,922.00.

Council Member Satterthwaite motioned to approve change orders for block, special inspections, and demolition of the house on the southwest corner all in the amount of \$25,922.00. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

Council Member Satterthwaite noted that in discussions regarding the project there was a focus on the use of top soil that was taken from the project site; he would like to have a discussion with staff regarding the benefit the City will realize due to the storage of the top soil on the east side of the City. Council Member Bailey stated he wants to ensure that the dirt is not used as fill dirt and noted he has received inquiries from residents interested in purchasing top soil. Mayor Taylor stated he has had similar requests.

3. DISCUSSION REGARDING THE REPURPOSE OF FUNDS TO BUY TRUCK EQUIPMENT IN PUBLIC WORKS TO PURCHASE A TRUCK LIFT INSTEAD

A staff memo from Public Works Director Giles explained the current budget includes \$45,684 for a service bed that was planned to be used to repurpose an existing truck to serve as a mobile mechanic/service truck; the budgeted amount would have covered the installation of the new bed. After a new shop supervisor was hired, staff re-evaluated some of the plans for the Department and felt the expenditure was no longer needed and it would be possible to continue operations and tow all equipment back to the shop for service or repair. There are plans to budget money for a 30,000 pound lift for the new shop to allow mechanics to hoist large trucks into the air in order to work under them without lying on the floor as they do now. The cost for the lift would be \$35,000 and specifications for the lift have been provided to Lundahl so they can pour the footings as part of the new construction. At this time staff is requesting the Council re-appropriate money originally planned for the service bed to be used for the lift so that it can be installed in conjunction with construction of the new public works facility.

Mr. Steele reviewed the staff memo and there was a brief discussion regarding the accounting of funds to be used for the truck lift due to the fact that the money to be used for the lift was originally included in the City's motor pool fund budget. Mr. Steele stated it would be most appropriate to transfer money from the motor pool fund to the capital projects fund in order to follow appropriate accounting practices.

Mayor Taylor stated he feels the repurposing of funds is appropriate and in the best interest of the City.

Council Member Bailey motioned to approve repurposing of funds to buy a truck lift rather than truck equipment for the Public Works Department, subject to a future budget amendment to be approved by the City Council. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

4. DISCUSSION AND/OR ACTION TO APPROVE AN ORDINANCE FOR DAYTIME CURFEW

A memo from Police Chief Warren explained the document submitted with this staff report contains a change in the draft proposal for a Daytime Curfew Ordinance involving minors who are subject to compulsory education, specifically Sections 6-3D-2 and 6-3D-5, changes highlighted in yellow. This staff report will also address items council members would like to see in the ordinance that were brought up in the September 23, 2014 City Council meeting. Classes for youth and parents to attend- I researched this request and was informed by David Gladwell, a juvenile court prosecuting attorney, and he is not aware of any classes that are available for the child and their parent to attend together upon conviction of daytime curfew. Mr. Gladwell indicates that juvenile court uses a “uniformed sentencing matrix” for daytime curfew violations and that community service hours is the most prevalent sentence used, with the stipulation that the minor be free of absenteeism and tardiness over a designated period of time. We need to make sure home school students are protected- At the beginning of every school year, North Ogden Police will obtain a list of students currently attending in the Weber School District and same will be made available to the officer via MDT so the investigative process is timely. Home schooled/online students will be released immediately once the identification process is verified while investigating Utah State Statue 53A-11-105. More research on parental involvement- All minors cited under the proposed daytime curfew ordinance will be required to appear in Youth Court or Juvenile Court, whichever jurisdiction has authority over the pending citation. Minors opting for Youth Court will need their parent’s written permission to participate. The proposed Daytime Curfew ordinance targets truant minors and allows the option of using the Juvenile Court system, or the Youth Court system once implemented, in an attempt to redirect behavior through community service hour projects, or a monetary fine in Juvenile Court if absenteeism becomes habitual.

Chief Warren reviewed his staff memo.

There was a brief discussion regarding the types of citations and violations that qualify to be heard in youth court, with Chief Warren noting all citations that do not qualify to be heard at youth court will be heard at the juvenile court in Ogden.

Council Member Bailey inquired as to the other jurisdictions in the area that have passed a similar ordinance. Chief Warren answered Ogden, Roy, Weber County, Farr West, and South Ogden.

Council Member Satterthwaite stated that he is always concerned about enacting new laws, especially in the event where laws regarding a certain issue already exist. He stated he has talked with Chief Warren about the issue and wondered if a youth court at Weber High could serve its function without a daytime curfew ordinance in place. He stated he is willing to delay taking action on the ordinance to determine if the goals of the City and the local schools can be met solely by re-implementing the youth court. Chief Warren stated that is an option for the City to entertain.

Council Member Bailey asked how the proposed ordinance differs from the State of Utah truancy statute. Chief Warren stated that local school officials have explained that they typically cannot address truancy issues until a student has been absent up to 10 times; the ordinance would eliminate that gap and allow for the City and the schools to be proactive in addressing truanancies. There was a general discussion regarding options available to schools for addressing truanancies, with Council Member Swanson asking if it is correct that the only real difference between the proposed ordinance and the practice that is currently being used to address truanancies is the application of citations and associated fines. Chief Warren answered yes.

Council Member Urry expressed his concerns regarding the level of responsibility schools and the City is taking for students; he personally believes truanancies are the problem of the parents and he is hesitant to continue to take those responsibilities away from the parents and placing them with the school and the City. He stated he would like to get back to the basic principles where parents are responsible for their kids. Council Member Stoker stated she agrees with Council Member Urry's comments to a point; she is worried that the youth are not forced to deal with the consequences of their actions. She added that she is unsure that the City should become involved in this issue, especially if their practices in dealing with the issue will not change. She concluded truanancies are not the problem of the City. Council Member Swanson stated that his concern is that when a truant student is committing vandalism or other problems in the City, that is the problem of the City and the taxpayers; it may have been possible to change that behavior by way of intervention in the child's life. He agreed that the root of the issue lies with the family, but the problem is also becoming society's problem. He stated the logic that he would apply to this situation is that if the ordinance can change one person's life for the better and keep them out of long-term incarceration, he would be in favor of it. He stated the ordinance and subsequent penalties may get the attention of the parents of truant students and encourage them to be more involved in their child's life. Council Member Urry agreed, but noted that what would be most helpful is to require parent and child counseling as part of the ordinance. The

Council further discussed and debated the ordinance with a focus on those things that are under the purview of the City.

Council Member Bailey stated he would propose tabling the ordinance to allow staff to conduct further research into the issue, but he would like the school and City to proceed with reinstating the youth court. Chief Warren asked for specific information regarding the additional research staff is to conduct. Council Member Bailey stated there was a discussion regarding the option of requiring counseling for the student and parent that are in violation of the ordinance. The City's Prosecutor, Brendan Miles, stated the educational classes or counseling for parents and students can be required under the current state law, but it can take some time for a student to accrue the number of trancies that must occur before action can be taken. He stated the youth court provides an immediate component for addressing trancies, rather than waiting for up to 10 trancies to occur before action can be taken. He concluded he feels the proposed ordinance would have a very positive impact on the entire community. He noted that in a comprehensive study from the late 1990's, which surveyed 347 cities, the 72 cities with daytime curfews reported a reduction in daytime trancies, burglaries, and other illegal activities; the cities reported a large positive correlation between addressing truancy early to prevent truant students from being repeat offenders. He stated he feels the goal of the proposed ordinance is to provide early intervention with as light a touch as possible.

Council Member Urry stated the larger concern for him is that there is a state law allowing schools to take action once a student has five trancies; he asked if the schools are not enforcing that law. Mr. Miles stated the school can make referrals to juvenile court, but many of those cases are non-judicial closures with no proceedings or record. He indicated that schools wait until a student has at least five trancies before referring them to juvenile court. Mayor Taylor noted that some schools wait longer.

Council Member Satterthwaite stated he would like for staff to research whether a youth court can function without a daytime ordinance in place in the City. Mr. Miles stated without the ability to issue citations for trancies, which is what would be done under the proposed ordinance; there is no need for a youth court. He stated he would need to conduct further research before determining if his understanding of the relationship between the City and a youth court is correct. Discussion regarding the perceived need for a daytime curfew ordinance and a youth court ensued. Council Member Swanson stated he likes the idea of adopting the ordinance and requiring quarterly reports to determine if the ordinance is having the intended effect; if that is not the case, the ordinance can be nullified. He noted there must be some reason that thousands of cities throughout the country have a daytime curfew ordinance in place.

Mr. Miles provided the Council with a summary of the process that would be followed when referring a youth to juvenile court. He indicated Juvenile Justice Services is very involved in the process and they often place a low priority upon truancy cases because there are so many other serious cases heard by the juvenile court. He noted the proposed ordinance would increase the likelihood that action regarding truancy will be taken.

Discussion concluded with Chief Warren reviewing the items that he will research as directed by the City Council as follows: determine if a youth court can be reinstated without a daytime

curfew ordinance in place; and determine if joint parent/minor counseling can be mandated by the City as part of the ordinance. Council Member Urry asked staff to also try to obtain records regarding the number of truancy cases that are referred to the juvenile court.

Mayor Taylor shared his thoughts regarding the proposed ordinance, noting he feels it would have a positive impact on the City. He stated as moral values in society declines, society will be looking for solutions to address problems that are occurring. He concluded that “if all men were angels, no government would be necessary”. He noted the ordinance may help children and society in the long run.

11. DISCUSSION AND/OR ACTION REGARDING THE DAN GREEN WATER BACKUP AND BILLS THAT HAVE ACCRUED

Mayor Taylor summarized the agenda item stated this item was discussed at a previous Council meeting and the Council directed staff to conduct research regarding the City’s potential liability for damage and water bills associated with a water leak that occurred in the road in front of Mr. Green’s property.

City Attorney Call used the aid of a PowerPoint presentation to summarize the research that he conducted relative to Mr. Green’s issue. He noted that it appears there was a breakdown in communication between Mr. Green and City Recorder Spendlove relative to the City’s level of involvement in compensating Mr. Green for the damages to his property. He stated that Mr. Green does not remember promises being made to him regarding said compensation, but there were statements made that implied to Mr. Green that the City had some liability. He added that Mr. Green was not notified that a damage mitigation company would be working on his property until they were already in route to his property at the request of the tenant. Mr. Call then added that he felt the majority of the Council Members were surprised that there is no liability on the part of the City because there was no negligent behavior leading to the damages; he noted that he sympathizes with Mr. Green’s situation, but unless someone made a specific statement declaring that the City is liable for the damage or will pay for repairs it would be hard for one to win a court case regarding the matter. He noted that other entities have humanitarian policies in place to allow the city to assist in repairing damages associated with infrastructure failures and that is a policy decision each city must make; Mr. Green is asking the City to make such a policy decision, though the City does not have a humanitarian policy in place.

Council Member Bailey stated he reviewed the humanitarian policy used by Layton City and found it to be arbitrary and capricious; he stated administering the policy would be very difficult and his concern would be setting precedent by approving compensation for certain cases and denying compensation for others. Mr. Call stated the safest thing for the Council is to forego taking any action tonight and direct staff to research opportunities for developing a humanitarian policy. He concluded that in speaking with Ms. Spendlove she was very confident that she did not say anything that would have exposed the City to liability. Council Member Bailey stated there have been a number of similar issues in the City in the past and he reiterated his biggest concern is setting precedent by taking action on Mr. Green’s case. He asked Mr. Call directly if the City has liability for Mr. Green’s damages. Mr. Call stated that he feels that if the issue were taken to court the City would not be held liable due to the fact that Mr. Green felt he was made

promises by someone that does not have the authority to bind the City; however, he reiterated that the Council has the ability to act upon Mr. Green's request or consider developing a humanitarian policy.

Council Member Swanson asked if the Council can choose to assist Mr. Green without setting a precedent for the City or without being forced to develop a humanitarian policy. Mr. Call answered yes and stated he feels the best decision would be for the Council to assist Mr. Green and declare that the decision is being made because the Council feels it is the right thing to do rather than to focus on facts in the situation; once facts become part of the consideration, future claimants have the opportunity to use similar facts in their own argument.

Council Member Bailey stated that he feels it is more sensible for the Council to pass a humanitarian policy that would address situations such as Mr. Green's. He stated he feels such a policy would provide the City more protection. Mr. Call stated that he would feel comfortable recommending a policy that is used and has been successful in Layton City.

Council Member Satterthwaite stated his largest concern is related to the forfeiture of the City's immunity in future damage claims; he does not want the City to be accused of favoritism towards one resident over another. Council Member Bailey agreed and stated that is why he was concerned about the arbitrary nature of Layton City's humanitarian policy.

There was a brief discussion regarding infrastructure failures in the past for which the City had liability and paid or denied payment for damages to residents, after which there was a discussion regarding statutes relative to governmental immunity.

Mayor Taylor acknowledged this is a difficult situation for the City to be in and he summarized the advice the City has received from its insurance provider. He asked if the Council is ready to make a decision regarding Mr. Green's request this evening.

Council Member Satterthwaite stated he does not feel the City is in a position to pay Mr. Green's damages at this point in time; he would prefer that the Council consider an ordinance or policy that would allow for payment of the claim while not creating precedent. Council Member Bailey agreed.

Council Member Bailey motioned that the City Council take no action regarding Mr. Green's request. Council Member Satterthwaite seconded the motion.

Council Member Satterthwaite stated he sympathizes with Mr. Green's situation and he would like to be able to assist Mr. Green in paying for damages to his property, but reiterated he does not feel the City is in a position to do so at this time. Mr. Green stated he is simply asking the City Council to be fair. Council Member Swanson stated the Council must also be fair to all 17,000 residents in the City and that can be a difficult balancing act.

Mr. Green stated that he feels that the Council was likely surprised to learn that his claim had been denied and they have had their eyes opened and received an education regarding governmental immunity, whereby cities do not have the same responsibility as individuals. He

reiterated he is asking the Council to be fair; there has been much talk about setting a precedent and he wondered what is wrong with setting a precedent of fairness. Council Member Satterthwaite reiterated the Council is trying to be fair and must consider how any decision would impact all 17,000 residents of the City. Mr. Green referenced the recent water main break in Salt Lake City and asked if the City Council believes that city is making a mistake by assisting residents impacted by that break. Council Member Stoker stated the City Council cannot speak to that issue, but she noted that Salt Lake City has much more revenue to work with in addressing such issues. Mr. Green stated his claim is much smaller than the claims that are being filed in Salt Lake City. Council Member Satterthwaite stated he has not considered the size of Mr. Green's claim; rather he has been focused on being fair to all residents and setting a precedent by ruling in Mr. Green's favor. Council Member Swanson agreed and stated he does not want to make decisions on such issues without a clear policy providing guiding standards upon which to base a decision.

Mayor Taylor called for a vote on the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	no

The motion passed on a four to one vote.

5. DISCUSSION AND/OR ACTION TO APPROVE AN AGREEMENT WITH VISION INTERNET TO DESIGN THE NEW CITY WEBSITE

A staff memo from Acting City Manager Steele explained a committee was established to select a vendor to design the City's website. It was an extensive process and the committee selected Vision Internet to complete the project. The Council packet included the proposed contracts and attachments for City Council's approval. The contracts that are to be approved are:

1. Website Design contract - The contract is for \$24,910
 - a. Attachment A outlines what is included in the design
2. Website hosting agreement - The annual fee is \$6,600/year with a 5% increase per year.

The memo concluded the timeframe to have a new website completed is anywhere from 15-29 weeks.

Mr. Steele reviewed his staff memo and Council Member Bailey provided the Council with a summary of the selection process and criteria used to select a contractor to design the website. He indicated he was very pleased with the security measures used by Vision Internet as well as the fact that they do similar work for many other municipalities.

Council Member Urry inquired as to the annual fee for the service provided by Vision Internet, to which Council Member Bailey answered \$6,000. There was a brief discussion relative to a comparison of the annual maintenance fee offered by other contractors, and Council Member Bailey summarized the service the City will receive for the \$6,000 annual fee, noting the biggest factor the committee considered when selecting Vision Internet was their flexibility.

Council Member Satterthwaite inquired as to what the City will receive for the initial cost of \$24,000. Council Member Bailey stated \$24,000 will pay for the total rewrite of the website with up to 50 pages of content migration as well as initial training for employees in order to update the website.

Council Member Urry asked if the project was included in the Fiscal Year 2014-2015 budget, to which Council Member Bailey and Mayor Taylor answered yes.

Council Member Satterthwaite inquired as to what the City will receive for the annual \$6,000 cost. Council Member Bailey stated the \$6,000 payment will cover hosting services and software licensing. He noted that Provo City recently opted to use Vision Internet for its website needs even though they have an internal Information Technologies (IT) department.

Council Member Urry inquired as to the term of the contract. Council Member Bailey stated the initial contract term is four years with a five percent cost increase clause. He added that if at some point the City decides to take control of and host the website internally or with another vendor, that is an option and would be easy to do with the software used by Vision Internet. He stated that was not an option with other vendors that responded to the request for proposals (RFP).

Council Member Bailey motioned to approve Agreement A25-2014 for Web Site development services. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

Council Member Bailey motioned to approve Agreement A26-2014 for Web Hosting services. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye

Council Member Stoker **aye**
Council Member Swanson **aye**
Council Member Urry **aye**

The motion passed unanimously.

Mayor Taylor concluded it will take anywhere from 15 to 26 weeks for Vision Internet to redesign the City's website and that timeframe is largely dependent upon the amount of time it takes City staff to provide information to the contractor. Council Member Urry asked if the current website will still be available during that time frame, to which Mayor Taylor answered yes.

6. DISCUSSION AND/OR ACTION TO APPROVE AN AGREEMENT WITH THINK ARCHITECTURE FOR ARCHITECTURAL SERVICES FOR THE NORTH OGDEN PLAZA

A staff memo from Acting City Manager Steele explained an RFP was sent out for Retail/Public Space Design for the North Ogden Plaza. Seven proposals were received which were evaluated by Better Cities, a small group representing the City, and also a Property Owner of one of the buildings in the North Ogden Plaza. Based on the evaluation, all parties agreed to select Think Architecture to complete the project. Their cost to complete the project is \$20,200 and will be paid from RDA funds. Think Architecture will be at the next Economic Development Committee meeting on October 21 as a kickoff to begin the project.

Mayor Taylor reviewed the staff memo and summarized the purpose of the agreement with Think Architecture. He reviewed the timeframe for developing a project for North Ogden Plaza, which will culminate with a ground breaking next spring.

Council Member Urry inquired as to the amount of money currently available in the RDA budget. Mr. Steele stated that at the end of the year there will be \$900,000 available; currently there is \$450,000 available. Council Member Urry stated that it is fine to come up with an idea regarding redevelopment of the plaza, but there are many people that own property there and he is hoping that the architectural firm will be in contact with those property owners. He indicated one of the largest property owners at the plaza is the Cutrubus family and it would be important for the architect to review his design plans with Mark Cutrubus. The City's Economic Development Consultant, Matthew Godfrey, explained all property owners were invited to a meeting to discuss the hiring of an architect; they were also asked to be part of a selection committee and Mr. Cutrubus opted not to be involved in that process. He noted Mr. Cutrubus spoke out and stated that he felt the City should select the architect since he will be compensated with RDA funds. Council Member Urry stated that he is more concerned about the involvement of property owners at the plaza as the architect moves forward in his design. Mr. Godfrey stated there have been plans to include the property owners throughout the entire process and any redevelopment project will not be forced upon them. Mayor Taylor noted that he personally spoke to Homer Cutrubus and he will attend the meeting scheduled for next Tuesday; he is confident everyone will work together to develop a plan and design that works for everyone.

Council Member Urry clarified that neither the City nor the RDA will pay for the total redevelopment costs at the plaza. Mayor Taylor stated the RDA may pay for a portion of the costs depending upon the redevelopment design; such decisions will ultimately be made by the RDA board.

Council Member Bailey stated he assumes there will be a lot of give and take between Better Cities, the property owners, and the architect throughout the process and he would like to give the architect the chance to develop a concept and design for redevelopment of the plaza. Council Member Satterthwaite agreed, but noted he feels the RDA should give some guidance relative to the amount of money the board is comfortable spending on the project. He added that he has a lot of confidence in Mr. Godfrey and his team and feels they have a good feel for appropriate redevelopment projects at the plaza.

Mayor Taylor noted a good example of a similar redevelopment project is located in South Ogden at approximately 40th Street and Washington Boulevard; the entire façade of the strip mall in that area is being revitalized and redeveloped with assistance from that cities RDA.

Council Member Swanson motioned to approve Agreement A27-2014 with Think Architecture for services for the North Ogden Plaza. Council Member Stoker seconded the motion.

Council Member Urry stated he is concerned that it may not be under the Council’s purview to approve the contract and it may be more appropriate for this action to be taken by the RDA board. Mr. Call noted that both entities should approve the agreement; the City is allowed to expend funds on the RDA’s behalf, but an RDA meeting should be scheduled to allow the board to take a similar action on the proposed agreement.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

7. DISCUSSION AND/OR ACTION TO APPROVE AN ORDINANCE AMENDING TITLE II OF THE NORTH OGDEN CITY ZONING REGULATIONS TO ADD BEE KEEPING

A staff memo from Acting City Manager Steele included a proposed Bee Keeping ordinance that was brought before the Council on August 26, 2014. At that time the Council concluded to proceed in permitting beekeeping in the R-2 and all Single Family Residential Zones. Staff

amended the ordinance to include that revision and now recommended approval by the City Council.

Mr. Steele reviewed his staff memo.

Council Member Stoker asked if Ms. Little's comment regarding beekeeping in homeowners association (HOA) governed developments is addressed by the ordinance. Mr. Call noted the City has not authority or responsibility to enforce covenants, conditions, or restrictions (CCRs) enacted for a HOA development, but the HOA association does have that authority and can prohibit beekeeping.

Council Member Urry motioned to approve Ordinance 2014-25. Council Member Satterthwaite seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

8. PUBLIC HEARING TO RECEIVE COMMENTS ON AN ANNEXATION PETITION FROM MICHELE C. SCADDEN AND HEIDI SCADDEN FOR 1.10 ACRES LOCATED AT APPROXIMATELY 150 EAST LOMOND VIEW DR.

A staff memo from Acting City Manager Steele explained Michele C. Scadden and Heidi Scadden submitted an application petitioning for annexation for property located at approximately 150 East Lomond View Dr. It was brought before the City Council for consideration to accept the application to be processed on September 16, 2014 which the City Council did accept. It was certified by the City Recorder on September 23, 2014. It is on the Agenda tonight for a Public Hearing. The meeting has been noticed according to Utah Code. The protest period ends on October 28, 2014, if there are no protests submitted an Ordinance will be placed on the October 28, 2014 City Council Meeting for approval.

Mr. Steele reviewed his staff memo.

Mayor Taylor opened the public hearing at 9:43 p.m.

There were no persons appearing to be heard.

Council Member Swanson motioned to close the Public Hearing at 9:44 p.m. Council Member Stoker seconded.

Voting on the motion:

Council Member Bailey **aye**
Council Member Satterthwaite **aye**
Council Member Stoker **aye**
Council Member Swanson **aye**
Council Member Urry **aye**

The motion passed unanimously.

9. DISCUSSION REGARDING THE BETTER CITY CONTRACT

Mayor Taylor provided a brief synopsis of the history of the City's contract with Better City and Mr. Godfrey, the City's Economic Development Consultant. He reviewed the City's current contract with Better City and the terms of the contract, focusing on compensation, termination opportunities, and the projects that have been identified for Better City to work on:

Scope of Work

Project 1: Smith's Block Revitalization

This project entails helping to fill the soon-to-be vacated Smith's grocery store with new tenants. This may include recruiting developers as well as tenants to the site. Remaining retail needs to be occupied and beautified. This may include some of the surrounding properties in the commercially zoned area.

Midpoint payment: \$12,000 for the delivery of a project plan, market study and proforma to support the plan for Project 1.

Final Payment: \$20,000 for the delivery of a signed development agreement to accomplish the project described above.

Project 2: Kings Block Revitalization

This project involves crafting a redevelopment strategy to rehabilitate or remove the empty/blighted land and buildings to create a retail and/or mixed-use center that is attractive and tax revenue generating.

Midpoint payment: \$15,000 for the delivery of a project plan, market study and proforma to support the plan for Project 2.

Final Payment: \$25,000 for the delivery of a signed development agreement to affect what is described as Project 2.

Project 3: Barker Property

This area is the vacant land to the north and west of Walgreens. The objective is to recruit retail/commercial tenants or a developer that could recruit tenants that would produce significant tax receipts, economic activity and beautification for the City.

Final Payment: \$20,000 for the delivery of a signed development agreement to build out at least 70% of the vacant land in retail/commercial purposes described under Project 3.

Project 4: Washington Boulevard Redevelopment

The City needs a demonstration project to show how the Washington Boulevard commercial frontage can be redeveloped in an attractive way. This may involve retail, mixed-use, housing or commercial buildings with some re-use of existing building or more likely the construction of

new structures that will create a draw to the area. This should also produce significantly more taxes than current uses and have the ability to be replicated along the corridor.

Midpoint payment: \$15,000 for the delivery of a project plan, market study and proforma to support the plan for Project 4.

He concluded he has been very happy with Mr. Godfrey's work for the City and invited Council discussion regarding the contract or the services provided.

Council Member Urry asked how much North Ogden City has paid Better City this year. Mayor Taylor stated the City has paid the \$1,000 monthly fee for a total of \$10,000 this year to date and the only other payment that has been made is the midpoint payment for project two, the Kings Block Revitalization. Council Member Urry stated he would like to see monthly updates regarding the work being done by Mr. Godfrey; he feels he is in the dark about the work that is being performed, especially before a midpoint payment is made for any project listed in the scope of work. Mayor Taylor stated he will clearly share that information in the future. Council Member Urry stated that he attended an economic development session at the recent Utah League of Cities and Towns (ULCT) conference and he asked a question of the panel regarding the cost to the City to develop or redevelop a parcel. He noted the panel, which was made up of developers, responded that the City would be charged nothing and the businesses seeking to locate at the project would pay for the project. He referenced Mr. Godfrey's contract and noted the City will pay \$25,000 to deliver a developer for the project and he asked for an explanation of that charge. Mr. Godfrey stated economic development is dramatically different from city to city; the challenge in North Ogden is that there are unsuccessful projects and the market is not driving them to completion; the North Ogden Plaza is a great example of that as the larger buildings on that property have been vacant for many years. He stated that project is very challenging due to the fact that there are multiple property owners; there must be a catalyst for redevelopment of the plaza in order to bring a project to bear and a developer will not have any interest in doing that work on their own. He stated developers typically focus on large vacant parcels of land rather than redevelopment projects. He concluded that his role is to protect the City from developers and he summarized the work he did on the Smith's project, which ultimately saved the City \$1.2 million. Council Member Urry stated there may be a disconnect in the information that the Council is provided regarding Mr. Godfrey's work. Mr. Godfrey stated the work he did on the Smith's project was made public to the previously seated Council. He noted the contract is not very profitable for him, but he loves the work he does and has ties to the community. He stated he charges a flat fee for the services he provides to the City rather than charging at an hourly rate. Council Member Urry reiterated he is still confused as to why the City should use Mr. Godfrey to find a developer for a project rather than simply pushing a request for proposal (RFP) for a developer. Mr. Godfrey stated he has published an RFP for a developer for the project and received no responses. He noted the City could do the same thing, but feels they will experience the same result; he noted he is not getting paid to solicit a developer. Council Member Urry stated the contract indicates Mr. Godfrey will get paid for the delivery of a signed development agreement. Mayor Taylor clarified that is much different than publishing an RFP. Mr. Godfrey agreed and noted that he is doing much more work in recruiting a developer than simply publishing an RFP. He noted the work is very technical and complicated, mainly due to the fact that there are several property owners at the North Ogden Plaza.

Council Member Bailey stated he does not feel anyone in the City has the skill, interest, or time to gather all property owners at the North Ogden Plaza together to arrive at a potential development plan in order to recruit a developer. He stated he sees great value in the work being provided by Mr. Godfrey; his level of capability and professionalism is very high. Council Member Swanson agreed and stated that Better City provides a certain skill set that the Council and staff do not currently possess. He concluded he feels the service the City is receiving is well worth the amount of money being paid. Council Member Stoker agreed and stated that Mr. Godfrey is very skilled in working with people. Council Member Satterthwaite stated that if the economy were different than it is and there was a stampede of developers eager to build in North Ogden City, Better City's services may not be needed; but the economy is struggling and North Ogden is somewhat isolated and there is value in using Mr. Godfrey to make a financial case to developers that may not have otherwise been interested in North Ogden. Council Member Swanson noted that even when the economy was good there was not a stampede of developers interested in North Ogden. He concluded there is great value in using Mr. Godfrey's services, mainly because of the many contacts he has in the economic development community.

Mayor Taylor added that in a recent negotiation of the creation of a community development area (CDA) Mr. Godfrey was very instrumental in getting buy-in from all taxing entities that had to approve the project. He noted Mr. Godfrey has a great reputation and great skills in negotiating such issues.

Council Member Urry stated he still has some questions and reservations about the agreement, but he concluded he feels more communication between Mr. Godfrey and the City Council is needed. Mr. Godfrey stated he would be happy to communicate information to the Council as often as they desire. Council Member Urry stated he would like a presentation from Mr. Godfrey when he has reached the midpoint of a project as specified in the contract's scope of work. Mr. Godfrey stated he will be happy to do that.

Council Member Swanson asked if it is true that there is no midpoint for project five, the Barker Property. Mr. Godfrey stated there is enough interest in the property that he did not see a need to conduct a market study; if the market is not responding as he anticipated it would, he may request a change to the agreement, but for now he will settle for being paid once there is a final product for the property.

The Mayor and Council thanked Mr. Godfrey for his information.

10. DISCUSSION REGARDING LIBRARY RENOVATION

Mayor Taylor led a discussion regarding the library renovation project subsequent to the approval of the library bond that was approved during the 2013 election. There have been some discussions regarding potentially expanding the library further to the south to accommodate additional programming and amenities, but that would impact the skate park and it has reached a point where the Council needs to hear and weigh in on ideas for the project.

Weber County Library Director Linda Wangsgard approached the Council and introduced Tom Brennan with EDA Architects, who represents the library board through the development of the concept of expansion and updating of the North Ogden library branch. She provided a synopsis of the discussions that have taken place between her and the North Ogden City administration regarding conceptual ideas for the project, with a focus on providing a project that is in keeping with the other library projects in the community while leveraging the money available for the project to the greatest advantage of the community. She used the aid of a PowerPoint presentation to review design illustrations that have been created for the potential expansion project. Mr. Brennan also provided input regarding the discussions that have taken place relative to the project concept, focusing on the usability of the library due to the fact that programming is located on two levels rather than one; the concept closely mirrors the Pleasant Valley and Roy library projects.

Council Member Satterthwaite asked Mr. Brennan if there is a basement in the current library that could be finished. Mr. Brennan answered yes, but noted his recommendation would be to use the basement for staff and support space rather than programming.

Council Member Urry stated more senior programming space is needed to enhance the senior program and the basement in the library could also be used for that. Ms. Wangsgard stated those are the types of programming changes she and Mr. Brennan are very interested in accommodating. She continued her review of her PowerPoint presentation to discuss additional amenities that could be included in the building, concluding the facility would be a draw for the community. She concluded she would like to work with the City to proceed in developing a plan and she reviewed the timeline for the project, which will go out to bid approximately one year from now. She added she would like to involve the community as much as possible in the planning phase of the project.

Mayor Taylor informed the Council of the things that he liked about the Pleasant Valley library that he would like to incorporate into the North Ogden library branch.

Council Member Satterthwaite inquired as to the square footage of the library. Mr. Brennan stated the current facility is roughly 10,000 square feet and the add-on would be approximately an additional 10,000 square feet, but that could change depending upon funding available for the expansion.

Council Member Swanson stated he was also very impressed by the Pleasant Valley library and a similar facility would be a great asset to North Ogden.

Council Member Urry stated the original amount allotted to the project was \$5 million and he asked how much additional funding would be necessary. Ms. Wangsgard stated she cannot answer that question until a vision for the facility is determined. Council Member Urry stated \$5 million is a large amount of money for a 10,000 square foot facility. Mr. Brennan stated the facility is 30 years old and much of the infrastructure needs to be upgraded or replaced. He identified other deficiencies in the building

Council Member Bailey inquired as the number of visits per day at the branch, to which Ms. Wangsgard answered approximately 800 visits. Council Member Urry asked how often the auditorium is used at the library. Ms. Wangsgard stated that it experiences heavy use; nearly all meeting rooms in the County's library system are completely booked, especially during the afternoon and evening hours; the auditorium may not be as heavily used during the day due to the fact that it does not have the technology infrastructure that other facilities have. Council Member Bailey referenced the various amenities that will be available at the north branch and other libraries and wondered if 'library' is an antiquated term and if the facility will be more like a community center. Ms. Wangsgard stated the library is a community gathering place, but it still houses books and other library collections and services that are still available to the public. She noted books are still very popular and nearly 250,000 books were circulated last month in the County's system; however, there are many other ways to learn and those things can be incorporated into the facility if possible.

Mayor Taylor reviewed the next steps in the process to proceed with project design. He noted the City Engineer has provided the City with an estimate of \$186,000 to move the skate park to a new location, but that estimate may be somewhat high. Staff has considered other suitable locations for the skate park and determined the most appropriate place would be the aquatic center parking lot. He noted that RDA funds could be used to cover the costs associated with the move to that location.

Council Member Swanson expressed concerns about relocating the skate park to an area where it would be immediately adjacent to residential properties and he would be interested to know the feelings of the residents in that area. Mayor Taylor noted the skate park closes in the evening just like any other City park; there may be some advantages to having the park located closer to other highly used properties to deter problems.

Council Member Urry suggested the skate park be relocated to the North Ogden Plaza, potentially indoor in the old King's building.

Ms. Wangsgard summarized fundraising opportunities, noting the library board would be willing to assist in those efforts in order to improve the facility as illustrated in the conceptual design. There was a focus on the opportunities to apply for RAMP grant funding to assist the project. Mayor Taylor acknowledged the financial implications of the increased project scope are daunting, but he feels they can be addressed if the City and library board work together.

Council Member Stoker stated she was very impressed by the Pleasant Valley library. Council Member Swanson agreed and stated he would not be opposed to relocating the skate park to accommodate a similar facility in North Ogden. He noted he feels the facility would benefit the community for multiple decades. Council Member Satterthwaite stated additional research is needed to determine the feasibility of relocating the skate park.

Mayor Taylor asked if he should continue to work with the library board on the process of amending the project design as well as continuing to review options for relocating the skate park. The Council discussed the issue and ultimately concluded they were comfortable with considering the relocation of the Skate Park as well as potential amendments to the library

project scope. Mayor Taylor indicated he will provide additional information to the Council at the November 18 meeting.

12. COMMITTEE ASSIGNMENTS

Mayor Taylor stated he provided information to the Council yesterday regarding his recommendations for appointment to the General Plan Steering Committee; he reviewed the proposed membership for the Committee and noted the purpose of the Committee is to undertake a major update and revision of the City's General Plan with assistance of a consultant and input from two Council Members.

Council Member Urry motioned to approve the General Plan Steering Committee Assignments. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

13. PUBLIC COMMENTS

Sorin Teles, 156 E. 2050 N., thanked the Council for discussing the many issues associated with the daytime curfew ordinance.

Kurt Illum, 805 E. 3300 N., thanked the Council for their work tonight; he noted he still does not feel the City needs a daytime curfew ordinance, but he would be supportive of a youth court that can be created without a daytime curfew. He feels that kids could still be issued citations for sluffing as long as those citations can be referred to the youth court. He encouraged the City to work with local schools to address truancy issues without enacting more laws and ordinances.

14. CITY COUNCIL, MAYOR, AND STAFF COMMENTS

Council Member Bailey stated that in his review of the September 16 meeting minutes he saw a discussion about curb, gutter, and sidewalk for the Scadden property upon annexation, but there was no resolution at the end of the conversation. He asked staff to research that issue and report back to him. Council Member Bailey stated he is hopeful that the item will come before the Council again for further discussion.

15. ADJOURNMENT

Council Member Swanson motioned to adjourn. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

The meeting adjourned at 11:26 p.m.

Brent Taylor, Mayor

S. Annette Spendlove, MMC
City Recorder

Date Approved